IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.328 OF 2005
IN
APPEAL FROM ORDER NO.306 OF 2005

Smt.Geeta D. Bogam. ..Applicant.

V/s.

Shri Vinayak Dashrath Bogam &
Ors. ..Respondents.

Mr.S.J.Rairkar for applicant.

Mr.P.K.Hushing for respondent NO.1.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 23, 2006.

P.C. :

1. Heard counsel for the parties.

2. This application is disposed of with direction that the appeal from order No.306 be listed under caption "final disposal" on 14th September, 2006. This course is adopted as the original application filed by the appellant before the trial court, one of for mandatory injunction, it can be granted only if the appeal succeeds. No interim relief can be granted at this stage. Appeal is expedited as short question is involved.

3. Counsel for the appellant/applicant submits

that the relief is essentially against the respondent No.1. The other respondents are not contesting respondents for the purpose of present proceedings. In the circumstances, he seeks liberty to delete the other respondents who are party respondents. That request is accepted at the risk of the appellant/-applicant. Amendment to be carried out in the course of the day.